

COHEN-JOHNSON, LLC
 255 E. Warm Springs Road, Suite 100
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COHEN-JOHNSON, LLC
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Attorneys for Plaintiff/Counterdefendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT WILLIAMSON, III, an individual,
 Plaintiff,

vs.

VICTORIA L. GUNVALSON, an individual;
 DAVID BROOKS AYERS; DOES I through X,
 and ROE Corporations I through X, inclusive

Defendants.

DAVID BROOKS AYERS,
 Counterclaimant,

vs.

ROBERT WILLIAMSON III, an individual,
 CATE-WAKEM WILLIAMSON, an individual,
 and ANGELA TORRES,

Counterdefendants.

Case No.: 2:13-cv-01019-RCJ-GWF

**ANSWER TO COUNTER CLAIM AND
 THIRD PARTY CLAIM**

COMES NOW, Plaintiff/Counterdefendants ROBERT WILLIAMSON III AND CATE-WAKEM WILLIAMSON, by and through their counsel of records, H. Stan Johnson, Esq. of Cohen-Johnson, LLC, hereby Answers Defendant's/Counterclaimants Third Party Claim on file herein, and in and for those allegations set forth in, admits, denies, avers and alleges as follows:

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1. Answering Paragraph 1 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants admit the allegations contained therein.

2. Answering Paragraph 2 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants admit the allegations contained therein.

3. Answering Paragraph 3 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants admit the allegations contained therein.

4. Answering Paragraph 5 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants admit the allegations contained therein.

5. Answering Paragraph 5 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein.

6. Answering Paragraph 6 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

7. Answering Paragraph 7 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

8. Answering Paragraph 8 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

9. Answering Paragraph 9 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

10. Answering Paragraph 10 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

FACTS IN SUPPORT OF COUNTERCLAIM AND THIRD PARTY CLAIM

11. Answering Paragraph 11 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

12. Answering Paragraph 12 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein.

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13. Answering Paragraph 13 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein.

14. Answering Paragraph 14 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

15. Answering Paragraph 15 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

16. Answering Paragraph 16 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

17. Answering Paragraph 17 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants admit the allegations contained therein.

18. Answering Paragraph 18 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

19. Answering Paragraph 19 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

20. Answering Paragraph 20 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

21. Answering Paragraph 21 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

22. Answering Paragraph 22 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

23. Answering Paragraph 23 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

24. Answering Paragraph 24 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

25. Answering Paragraph 25 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

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26. Answering Paragraph 26 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

27. Answering Paragraph 27 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

28. Answering Paragraph 28 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

29. Answering Paragraph 29 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

30. Answering Paragraph 30 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

31. Answering Paragraph 31 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

32. Answering Paragraph 32 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

33. Answering Paragraph 33 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

34. Answering Paragraph 34 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein.

35. Answering Paragraph 35 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein.

36. Answering Paragraph 36 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein.

37. Answering Paragraph 37 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein.

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38. Answering Paragraph 38 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein.

39. Answering Paragraph 39 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

40. Answering Paragraph 40 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

41. Answering Paragraph 41 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants admit the allegations contained therein.

42. Answering Paragraph 42 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

43. Answering Paragraph 43 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

44. Answering Paragraph 44 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

45. Answering Paragraph 45 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants admit the allegations contained therein.

SLANDER AND DEFAMATION

46. Answering Paragraph 46 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

47. Answering Paragraph 47 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

48. Answering Paragraph 48 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

49. Answering Paragraph 49 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

50. Answering Paragraph 50 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained therein.

51. Answering Paragraph 27 of the Defendant/Counterclaimant's Third Party Claim, Plaintiff/Counterdefendants deny the allegations contained there.

FIRST AFFIRMATIVE DEFENSE

1. The Defendant/Counterclaimant fails to state a claim against defendant upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. The Defendant/Counterclaimant improperly plead a Third Party Claim.

THIRD AFFIRMATIVE DEFENSE

3. The Defendant/Counterclaimant has unclean hands and is not entitled to the relief requested herein.

FORTH AFFIRMATIVE DEFENSE

4. The Defendant/Counterclaimant is barred for relief by his own conduct.

FIFTH AFFIRMATIVE DEFENSE

5. Counterclaimant has failed to satisfy conditions precedent to bringing any action against Defendant.

SIXTH AFFIRMATIVE DEFENSE

6. The Defendant/Counterclaimant failed to mitigate damages, if any such damages exist at all.

SEVENTH AFFIRMATIVE DEFENSE

7. Defendant acted in good faith in all of her dealings with Counterclaimant.

EIGHTH AFFIRMATIVE DEFENSE

8. Counterdefendant has been forced to retain counsel to defend against Counterclaimant's Counterclaim and Counterdefendant is entitled to an award of reasonable attorney's fees.

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NINETH AFFIRMATIVE DEFENSE

Defendants incorporate by reference those affirmative defenses enumerated in Rule 8 of the Federal Rules of Civil Procedure as if fully set forth herein. In the event further investigation or discovery reveals the applicability of such defenses, Defendants reserve the right to seek leave of Court to amend this answer to specifically assert any such defense. Such defenses are herein incorporated by reference for the specific purpose of not waiving any such defense.

Dated this 10th day of December, 2013.

COHEN-JOHNSON, LLC

By: /s/ H. Stan Johnson
H. Stan Johnson, Esq.
Nevada Bar No. 00265
Brian A. Morris, Esq.
Nevada Bar No. 11217
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Attorneys for Plaintiff/Counterdefendant

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CERTIFICATE OF MAILING

I hereby certify that on the 10th day of December, 2013, I served a copy of the foregoing
ANSWER TO THIRD PARTY CLAIM upon each of the parties by depositing a copy of the
same in a sealed envelope in the United States Mail, Las Vegas, Nevada, First-Class Postage
fully prepaid, and addressed to:

David Brooks Ayers
9 Paseo Dalia
Rancho Santa Margarita, California 92688
In Proper Person

and that there is a regular communication by mail between the place of mailing and the place so
addressed.

/s/ Kelly J. Montgomery
Kelly J. Montgomery, an employee of Cohen-Johnson,
LLC

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